

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

v.

SAINT JOVITE YOUNGBLOOD,
Aka Kota Youngblood
Defendant.

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CASE NO. 1:23-CR-00135-RP

**UNITED STATES OF AMERICA'S
MOTION FOR PRELIMINARY ORDER OF FORFEITURE**

Comes now the United States of America, by and through the United States Attorney for the Western District of Texas and the undersigned Assistant United States Attorney and files this Motion for Preliminary Order of Forfeiture, pursuant to the provisions of Title 21 U.S.C. §§ 853(n)(1)-(7), and Fed. R. Crim. P. 32.2(b)(2), 32.2(b)(2)(B), and 32.2(c)(1), and in support thereof states the following:

I.

On April 23, 2024, a Jury Verdict (Doc. 100) was returned against Defendant SAINT JOVITE YOUNGBLOOD, finding him guilty as to Counts One through Five, of the Second Superseding Indictment (Doc. 45), which charged him with violations of Title 18 U.S.C. §§ 1343 and 1957. The Second Superseding Indictment included a Notice of Government's Demand for Forfeiture, and the Amended Bill of Particulars for Forfeiture of Properties (Doc. 50) gave the Defendant notice of the United States' intent to seek forfeiture of the properties described below pursuant to Title 18 U.S.C. § 982(a)(1)(C) and Title 18 U.S.C. § 982(a)(1), namely:

- \$18,160.00 more or less, in United States Currency, seized on July 30, 2023, from Saint Jovite Youngblood at the Austin-Bergstrom International Airport;
- \$4,606.00 more or less, in United States Currency, seized July 13, 2023 from Saint Jovite Youngblood in Manor, Texas.

hereinafter referred to as the "Subject Property."

II.

The United States moves the Court to find that by virtue of the evidence admitted at trial and the guilty verdict (Doc. 100) entered against the Defendant SAINT JOVITE YOUNGBLOOD, the Defendant has an interest in the Subject Property, and that the United States has proven by a preponderance of the evidence the nexus between the Subject Property and the violations of Title 18 U.S.C. §§ 1343 and 1957, thereby also establishing that the Subject Property are forfeitable to the United States pursuant to Title 18 U.S.C. § 981(a)(1)(C) and 982(a)(1).

Accordingly, the United States of America moves this Honorable Court for entry of a Preliminary Order of Forfeiture, which forfeits all right, title, and interest of Defendant SAINT JOVITE YOUNGBLOOD in the Subject Property and the Subject Money Judgment.

III.

The United States moves the Court, pursuant to Title 21 U.S.C. § 853(g) and Fed. R. Crim. P. 32.2(b)(3), for an Order authorizing the United States through its lawfully designated agents and agencies, including the United States Marshals Service to seize, take custody, control and possession of the Subject Property, whether held by Defendant SAINT JOVITE YOUNGBLOOD or a third party.

IV.

The United States further moves the Court, pursuant to Fed. R. Crim. P. 32.2(b)(6)(A) and (C) and Title 21 U.S.C. § 853(n)(1), for an Order authorizing the United States to cause publication for at least 30 consecutive days on an official government internet web site (www.forfeiture.gov) of notice of the Preliminary Order of Forfeiture, and of its intent to dispose of the Subject Personal Properties in such manner as the United States directs.

The United States of America further moves this Court for an Order authorizing that the

contents of the published notice be in compliance with Fed. R. Crim. P. 32.2(b)(6)(B).

V.

The United States further moves the Court, pursuant to Fed. R. Crim. P. 32.2(b)(6), for an Order authorizing the United States to send direct notice of the Preliminary Order of Forfeiture to any person or entity who reasonably appears to the United States to be a potential petitioner with standing to contest the forfeiture in the ancillary proceeding.

The United States further moves this Honorable Court that Appendix A¹ be served on potential petitioners along with the Preliminary Order of Forfeiture.

VI.

Pursuant to Fed. R. Crim. P. 32.2(c)(1)(B) and in an effort to promote judicial economy, the United States further moves the Court for an Order authorizing the United States to commence discovery proceedings, including depositions, interrogatories, requests for production of documents, and the issuance of subpoenas pursuant to Fed. R. Civ. P. 45, at the time that any petitions are filed in order to resolve any third-party issues.

VII.

Lastly, the United States moves the Court, pursuant to Fed. R. Crim. P. 32.2(b)(4)(B), to order that at the time of the sentencing of Defendant SAINT JOVITE YOUNGBLOOD the forfeiture of the Subject Property be included in his Judgment in a Criminal Case.

WHEREFORE, PREMISES CONSIDERED, the United States of America moves this Honorable Court for entry of a Preliminary Order of Forfeiture.

¹ Appendix A, which is entitled “Direct Notice of Preliminary Order of Forfeiture,” sets forth the appropriate procedures, deadlines and applicable statutes necessary to file a third-party petition.

Respectfully submitted,

JAIME ESPARZA
UNITED STATES ATTORNEY

By:

/S/

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CERTIFICATE OF SERVICE

I hereby certify that on September 17, 2024, the foregoing instrument was electronically filed with the Clerk of the Court using the CM/ECF System which will transmit notification of such filing to the following CM/ECF participant:

Jeff Senter

501 Congress Ave.
Suite 150
Austin, Texas 78701
Email: jeff@jeffsenterpc.com
Attorneys for Defendant Saint Jovite Youngblood aka Kota Youngblood

/S/
MARK TINDALL
Assistant United States Attorney

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

UNITED STATES OF AMERICA,
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CASE NO. 1:23-CR-00135-RP

DIRECT NOTICE OF PRELIMINARY ORDER OF FORFEITURE

Notice is hereby given that in the case of *U.S. v. SAINT JOVITE YOUNGBLOOD*, Criminal No. 1:23-CR-00135-RP, the United States District Court for the Western District Texas entered a Preliminary Order of Forfeiture condemning and forfeiting the following property to the United States of America:

- \$18,160.00 more or less, in United States Currency, seized on July 30, 2023, from Saint Jovite Youngblood at the Austin-Bergstrom International Airport;
- \$4,606.00 more or less, in United States Currency, seized July 13, 2023, from Saint Jovite Youngblood in Manor, Texas.

The United States hereby gives notice of its intent to dispose of the forfeited property in such manner as the United States Attorney General may direct. Any person, other than the defendant, asserting a legal interest in property which has been ordered forfeited to the United States must file a petition within 30 days of the final publication of notice or his receipt of notice, whichever is earlier pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure and Title 21 U.S.C. §§ 853(n)(1)-(3). The petition must be filed with the Clerk of the Court, 501 West 5th Street, Austin, Texas 78701, and a copy served upon Assistant United States Attorney, Mark Tindall, 903 San Jacinto Blvd., Suite 334, Austin, Texas 78701.

The petition must comply with the requirements of Title 21 U.S.C. § 853(n).

If you fail to file a petition to assert your interest in the above-described property within the time prescribed above, your interest in this property will be lost and forfeited to the United States, which will then have clear title to the property and will dispose of the property in accordance with the law.

APPENDIX A

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

UNITED STATES OF AMERICA,
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v.

SAINT JOVITE YOUNGBLOOD,
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Defendant.

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CASE NO. 1:23-CR-00135-RP

PRELIMINARY ORDER OF FORFEITURE

Come on to be considered the United States of America's Motion for Preliminary Order of Forfeiture pursuant to the provisions of Title 21 U.S.C. §§ 853(n)(1)-(7), and Fed. R. Crim. P. 32.2(b)(2), 32.2(b)(2)(B), and 32.2(c)(1), and this Court being fully and wholly apprised in all its premises, finds that the Defendant has an interest in the property described below and that the United States has established by a preponderance of the evidence a nexus between said property and the violations of Title 18 U.S.C. §§ 1343 and 1957, by virtue of the evidence admitted at trial and the guilty verdict (Doc. 100) entered against Defendant SAINT JOVITE YOUNGBLOOD. As such, said Motion is meritorious, and hereby is in all things GRANTED.

IT IS THEREFORE ORDERED that all right, title, and interest of Defendant SAINT JOVITE YOUNGBLOOD, in certain properties, namely:

- \$18,160.00 more or less, in United States Currency, seized on July 30, 2023, from Saint Jovite Youngblood at the Austin-Bergstrom International Airport;
- \$4,606.00 more or less, in United States Currency, seized July 13, 2023, from Saint Jovite Youngblood in Manor, Texas.

hereinafter referred to as the Subject Property be, and hereby is, FORFEITED to the United States of America; and

IT IS FURTHER ORDERED that upon entry of the Preliminary Order of Forfeiture, the United States through its lawfully designated agents and agencies, including the United States Marshals Service, shall seize, take custody, control, and possession of the Subject Property whether held by the defendant or a third party; and

IT IS FURTHER ORDERED that the United States shall cause publication for at least 30 consecutive days on an official government internet website (www.forfeiture.gov) of the notice of the Preliminary Order of Forfeiture and of its intent to dispose of the Subject Property in such manner as the United States directs. The United States must send notice to any person or entity who reasonably appears to be a potential petitioner with standing to contest the forfeiture in the ancillary proceeding; and

IT IS FURTHER ORDERED that the United States shall send Direct Notice of the Preliminary Order of Forfeiture, Appendix A, which is attached to the United States of America's Motion for Preliminary Order of Forfeiture, and incorporated herein to those known to the United States to have an interest in the Subject Property; and

IT IS FURTHER ORDERED that in the event a third-party petition is filed as to the Subject Property the United States shall commence discovery proceedings, including depositions, interrogatories, requests for production of documents, and the issuance of subpoenas pursuant to Fed. R. Civ. P. 45, to resolve any third-party issues; and

IT IS FURTHER ORDERED that at the time of the sentencing of Defendant SAINT JOVITE YOUNGBLOOD, the forfeiture of the Subject Property and Subject Money Judgment

shall be included in his Judgment in a Criminal Case.

IT IS SO ORDERED.

SIGNED this _____ day of _____, 2024.

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE